

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: §  
§  
BRANDON CALLIER, §  
§  
Plaintiff, §  
§  
v. § CAUSE NO. 3:22-cv-00301-FM  
§  
§  
JASCOTT ENTERPRISES, LLC, §  
JASCOTT INVESTMENTS, LLC, and §  
JOHN DOES 1-4, §  
§  
Defendants. §

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**DEFENDANT JASCOTT INVESTMENTS, LLC'S  
DESIGNATION OF POTENTIAL WITNESSES,  
POTENTIAL TESTIFYING EXPERTS AND LIST OF PROPOSED EXHIBITS**

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**TO THE HONORABLE FRANK MONTALVO, U.S. DISTRICT JUDGE:**

COMES NOW JASCOTT INVESTMENTS, LLC, Defendant in the above-styled and - numbered cause of action (hereinafter referred to as "Defendant"), by and through the undersigned attorney of record, and hereby files this "Defendant Jascott Investments, LLC's Designation of Potential Witnesses, Potential Testifying Experts and List of Proposed Exhibits", in accordance with the Amended Scheduling Order, filed July 7, 2023 (ECF No. 64), as follows:

**I. POTENTIAL FACTUAL WITNESSES.**

Defendant expects to call the following witness(es) at trial:

1. Mitchell Scott  
c/o Michael R. Nevarez  
The Nevarez Law Firm, PC  
7362 Remcon Circle  
El Paso, Texas 79912  
Telephone: (915) 225-2255  
Facsimiles: (915) 845-3405

Mitchell Scott, partner of Jascott Enterprises, LLC and the owner of Jascott Investments, LLC, will testify regarding his knowledge about the facts of this case.

2. Brandon Callier  
c/o Chris R. Miltenberger  
The Law Office of Chris R. Miltenberger, PLLC  
1360 N. White Chapel, Suite 200  
Southlake, Texas 76092  
Telephone: (817) 416-5060  
Facsimiles: (817) 416-5062

Brandon Callier, is the Plaintiff and will testify regarding his knowledge about the facts of this case.

3. Mark Fawzy  
c/o Sygnius Solutions  
Road 11, Plot 884, Avenue 2,  
Mirpur DOHS,  
Dhaka, Bangladesh

Mark Fawzy, an employee of Sygnius Solutions, will testify regarding his knowledge about the facts of this case.

4. Siam Rafiul, Chief Executive Officer  
Sygnius Solutions  
Road 11, Plot 884, Avenue 2,  
Mirpur DOHS,  
Dhaka, Bangladesh

Siam Rafiul, Chief Executive Officer of Sygnius Solutions, will testify regarding his knowledge about the facts of this case.

5. Dave Thurber  
c/o Upwise Capital LLC  
316 E Walnut St.  
Long Beach, NY 11561-3619

Dave Thurber, an employee of Upwise Capital LLC, will testify regarding his knowledge about the facts in this case.

6. Max Williams  
c/o Green Arrow Capital, LLC  
11110 Zimmerman Lane  
Austin, Texas 78726

Max Williams, based upon information and belief, is an employee of Green Arrow Capital, LLC, which has a registered address of 11110 Zimmerman Lane, Austin, Texas 78726, and will testify regarding his knowledge about the facts in this case.

## II. POTENTIAL TESTIFYING EXPERTS.

Defendant expects to call the following experts at trial:

1. Michael R. Nevarez  
The Nevarez Law Firm, PC  
7362 Remcon Circle  
El Paso, Texas 79912  
Telephone: (915) 225-2255  
Facsimiles: (915) 845-3405  
Email: [mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com)

Expert Michael R. Nevarez will testify on the reasonableness and necessity of attorney fees and costs incurred herein, and as to the contract law principles applicable in this case, under (i) Texas statutory and regulatory laws, and (ii) the Constitution of the State of Texas.

The general substance of the Expert's mental impressions and opinions and a brief summary of the basis for them are as follows:

a. Mr. Nevarez may testify and provide his expert opinions as to what reasonable and necessary attorneys fee and costs are for pre-trial, trial, appeal to the Court of Appeals, and appeal to the Supreme Court. Mr. Nevarez cannot formalize his opinions until a date closer to trial because the activity undertaken in this case, has not been fully determined, analyzed, developed, and/or implemented, which will directly affect his overall mental impressions and opinions. Mr. Nevarez will rely on his education, experience in the handling of legal matters in El Paso County, Texas, his understanding of the issues in this case, his personal involvement in handling of this case; the applicable rules consistent with the Texas Disciplinary Rules of Professional Conduct and the Texas Supreme Court's ruling in *Arthur*

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Defendant Jascott Investments, LLC's Designation of Potential Witnesses, Potential Testifying Experts and List of Proposed Exhibits

*Brandon Callier vs. Jascott Enterprises, LLC, et al.*

U.S. District Court, WDTX-El Paso Division; Cause No. 3:22-cv-0301-FM

*Andersen & Co. v. Perry Equipment Corporation*, 945 S.W.2d 812, 818 (Tex. 1997), including, but not limited to:

- i. The time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly;
- ii. The likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
- iii. The fee customarily charged in the locality for similar legal services;
- iv. The amount involved and the results obtained;
- v. The time limitations imposed by the client or by the circumstances;
- vi. The nature and length of the professional relationship with the client;
- vii. The experience, reputation, and ability of the lawyer or lawyers performing the services; and,
- viii. Whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

As of the below date, the mental impressions and opinions held by Mr. Nevarez are that \$300 per hour for the services of Plaintiffs' attorney are reasonable and necessary in this case for pre-trial, post-trial, and appeal, and \$350 per hour for trial work, based on the above- delineated factors under Texas law. It is anticipated at this preliminary stage that pretrial and trial preparation will require 100 to 150 hours; post-trial 50 to 100 hours; appeal to 8<sup>th</sup> Court of Appeals 50 to 100 hours; petition to Texas Supreme Court 50 hours; and in the event petition is granted by the Texas Supreme Court, 100 hours.

- b. Mr. Nevarez may testify and provide his expert opinions as to the contract law principles applicable in this case under (i) Texas statutory and regulatory laws, and (ii) the Constitution of the State of Texas, concerning Plaintiffs' entitlement to payment of its claims, including all attorney's fees and costs.

As of the below date, the mental impressions and opinions held by Mr. Nevarez are that, in accordance with contract law principles applicable in this case under the laws of the State of Texas, and the Constitution of

the State of Texas, Plaintiffs are entitled to payment of all of its claims, and all attorney's fees and costs.

- c. The documents, tangible things, models, or data compilations that have been provided to, reviewed by, or prepared by or for the Expert in anticipation of the Expert's testimony are as follows: The Pleadings in this case, all non-privileged case files, the discovery documents, and any photographs, video, and other tangible or intangible documents related to this case. In addition, as this case is ongoing and fee statements are continually being generated, Plaintiff will also produce redacted copies of all fee invoices and statements upon request, at a reasonable time and place, as agreed to by the parties, and upon reasonable written notice.
- d. As discovery is ongoing, Mr. Nevarez has not yet prepared a written report regarding the discoverable factual observations, tests, supporting data, calculations, photographs, and opinions, but said report will be forthwith produced as an Application for Attorney's Fees and Costs soon as reasonably possible.
- e. Plaintiffs will make the Expert available for deposition reasonably promptly after this designation, at a mutually agreeable time and place.
- f. Mr. Nevarez does not possess or maintain a current résumé and/or bibliography. However, Mr. Nevarez' background may be found at: <http://lawofficesmrn.com/michael-r-nevarez/>.

### **III. LIST OF PROPOSED EXHIBITS.**

Defendant expects to offer the following exhibits:

- a. See attached Exhibit A.

The Defendant hereby reserves the right to offer any other exhibits or testimony that is either (a) designated by Plaintiff, in its witness and exhibit list, or (b) necessary and appropriate as rebuttal evidence.

October 27, 2023

Respectfully submitted,

**THE NEVAREZ LAW FIRM, PC**  
7362 Remcon Circle  
El Paso, Texas 79912  
Telephone: (915) 225-2255  
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Email: [MNevezar@LawOfficesMRN.com](mailto:MNevarez@LawOfficesMRN.com)

/s/ Michael R. Nevarez  
**MICHAEL R. NEVAREZ**  
State of Texas Bar No. 14933400

Attorney for Defendant  
Jascott Investments, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **DEFENDANT JASCOTT INVESTMENTS, LLC'S DESIGNATION OF POTENTIAL WITNESSES, POTENTIAL TESTIFYING EXPERTS AND LIST OF PROPOSED EXHIBITS**, with all supporting attachments, exhibits, and affidavits thereto, if any, was served by regular first-class mail, postage prepaid, and/or by e-Filing via an Electronic Filing Service Provider, and/or via facsimile, and/or hand delivery, to the following parties in interest, on this October 27, 2023:

**COUNSEL FOR PLAINTIFF:**

Chris R. Miltenberger  
The Law Office of Chris R. Miltenberger, PLLC  
1360 N. White Chapel, Suite 200  
Southlake, Texas 76092  
Email: [chris@crmlawpractice.com](mailto:chris@crmlawpractice.com)

/s/ Michael R. Nevarez  
**MICHAEL R. NEVAREZ**